

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

BARROW

73-C-172

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
THE WESTERN CASUALTY & SURETY COMPANY, Plaintiff	For plaintiff: Alfred B. Knight, 310 Beacon Bldg. Tulsa, Oklahoma (584-6457)
vs	74103
<u>BERT E. TUCKER, CAROLYN SUE TUCKER, BERNICE SMITH, WINFREY A. SMITH, MITCHELL McCUNE, a minor, RICHARD MICHAEL PHILLIPS, TRADEWINDS EAST TEXACO, a partnership consisting of Richard Romans and Florene Dutton, MID-CONTINENT CASUALTY COMPANY and MFA INSURANCE COMPANY,</u> Defendants.	For defendant: Dale F. McDaniel (Tradewinds, Romans 2626 E. 21st St. & Dutton) Tulsa, Oklahoma 74114 Dale Warner (Tuckers & Smiths) P. O. Box 1439 Tulsa 74101 (587-3361) Joseph A. Sharp and Jack M. Thomas (MFA) 200 Franklin Bldg. Tulsa, OK 74103 Richard D. Gibbon (Mid-Continent Cas.Co.) 217 Pythian Building Tulsa, Okla. 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-73	Clerk	6-4-73	Knight	15 00	
		6-7-73	C.D.No.52		15 00
J.S. 6 mailed 6-1-74	Marshal				
Basis of Action: Declaratory judgment pursuant to T.28 §2201, et seq.	Docket fee USCA Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-4-73	Complaint filed. Summonss issued. r	
6-20-73	Marshal's returns on service of writ: served MFA Ins. Co. by serving Joe Hunt, Ins. Commr. <sup>at O.C.</sup> 6-7-73; Bert Tucker, Carolyn Sue Tucker, Florene Dutton (now Florene Romans), Mid-Cont. Casualty Co., Bernice Smith, Winfrey A. Smith, <sup>all on</sup> 6-11-73; Richard Romans, 6-12-73; Richard Michael Phillips <sup>6-18-73</sup> and Mitchell McCune on 6-19-73, all at Tulsa, Ok. (USM \$ 41.56)g	
6-27-73	Answer of def. Tradewinds East Texaco, a partnership, consisting of Richard Romans & Florence Dutton, filed. rm	
6-28-73	Answer of defs. Bert & Carolyn Tucker, filed. rm	
6-28-73	Answer of defs. Bernice & Winfrey Smith, filed. rm	
6-28-73	Answer of the Deft. MFA Insurance Co., filed. v	
6-29-73	Answer of deft. Mid-Continent Casualty Co., filed.hm	
7-17-73	Pltf's application for court to appoint guardian ad litem, filed. hm	
7-17-73	Request for production of documents under Rule 34, filed. hm	
7-17-73	Request for admissions, filed. hm	
7-20-73	MFA answers to pltf.'s request for admissions, filed. rm	
7-27-73	Deft.s' Bert E. Tucker, Carolyn Sue Tucker, Bernice Smith and Winfrey A. Smith, Answers to Plt.f's Request for Admissions, filed. v	
8-3-73	Response of Deft. MFA Ins. Co. to Pltf's Request for Prod. of Docs. under Rule No. 34, filed. jj	
8-24-73	Answers of Mid-Continent Casualty Co. to request for admissions, filed. g	
8-29-73	Order, filed, appointing guardian ad litem, namely Mrs. Chellie McCune for Mitchell McCune. (AEB-J)v -copies mld.	
10-18-73	Depositions of Richard Lloyd Romans and Richard Phillips, taken by pltf's., filed. g (\$121.50) (see file of 73-C-60)	
11-13-73	Motion for S/J, filed. jj	
11-13-73	Brief in Support of Motion for S/J, filed. jj	
11-13-73	Ordered by the Court that defendants are granted 10 days from this date in which to respond to plaintiff's Motion for S/J. (AEB-J)jj	
12-13-73	<sup>deft.</sup> Motion of Mid-Continent Casualty Co. for S/J, filed.a	
12-13-73	Brief in Support of Motion for S/J, filed.a	
12-13-73	Ordered by the Ct. that pltf's are granted 10 days from this date in which to respond to defts' Motion for S/J. (AEB-J)a <sup>little sent</sup>	
12-27-73	Response to Mot. for summary judg. of Mid-Continent Casualty Co., filed by Western Casualty & Surety Co.. v	
1-10-74	Response to Mot. for S/J, filed by Deft. MFA Insur. Co. v	
1-11-74	Appl. for Court to enter Judgment, filed by Pltf. v	
1-11-74	Brief in support, filed. v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-29-74	Findings of Fact and Conclusions of Law, filed. (AEB-J)v <i>copies made</i>	
5-29-74	<p>Judgment, filed and entered. Ordered that Western Casualty &amp; Surety Co. is not obligated to defend or indemnify any party to this action as to any claim arising out of the accident of 3-13-71.</p> <p>Further ordered that Mid-Continent Casualty Co. is not obligated to defend or indemnify any party to this action as to any claim arising out of the accident of 3-13-71. (AEB-J)v <i>copies made</i></p>	
6-5-74	Response of defendants Bert E. Tucker, Carolyn Sue Tucker, Bernice Smith and Winfrey A. Smith to plaintiff's application for Court to enter judgment, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Note